

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JUAN CARLOS AYALA ORELLANA,

Civil No. 12-1184 (JRT/AJB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JANET NAPOLITANO, Secretary of the
Department of Homeland Security; ERIC
HOLDER, Attorney General of the United
States; SCOTT BANIECKE, Field Office
Director, Immigration and Customs
Enforcement; BOB KINDER, Freeborn
County Sheriff,

Respondents,

Benjamin Casper, **ATTORNEY AT LAW**, 33 East Wentworth, Suite 360,
West St Paul, MN 55118; Bruce Nestor, **DE LEON & NESTOR, LLC**, 3547
Cedar Avenue South, Minneapolis, MN 55407; Colin Peterson, **ROBINS
KAPLAN MILLER & CIRESI LLP**, 800 LaSalle Avenue, Suite 2800,
Minneapolis, MN 55402, for petitioner.

Gregory Brooker, Erika Mozangue, **OFFICE OF THE UNITED STATES
ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415;
John Inkeles, **OFFICE OF IMMIGRATION LITIGATION DISTRICT
COURT SECTION**, 450 Fifth Street Northwest, Washington, DC 20001, for
respondents.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Arthur J. Boylan, dated November 6,
2012. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 9],
and all of the files, records and proceedings herein, and no objections having been filed to
said Report and Recommendation,

IT IS HEREBY ORDERED that petitioner Juan Carlos Ayala Orellana's Motion to Dismiss is **granted** [Docket No. 8] and the Petition for Writ of Habeas Corpus [Docket No. 1] is **DISMISSED** as moot.

Dated: November 30, 2012
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge